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5 Attorneys for Defendant STATE OF CALIFORNIA,
6 DEPARTMENT OF TRANSPORTATION

7
8 THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 ROHNERT PARK CITIZENS TO ENFORCE
CEQA, and DOES 1 through 5, inclusive

13 Plaintiffs,

14 v.

15 CALIFORNIA DEPARTMENT OF
16 TRANSPORTATION; UNITED STATES
DEPARTMENT OF TRANSPORTATION;
17 FEDERAL HIGHWAY ADMINISTRATION;
and, DOES 6 through 10, inclusive,

18 Defendants.
19

Civil No. C 07 4607 TEH

**DECLARATION OF LOIS H.
YOSHIDA IN SUPPORT OF
DEFENDANT STATE OF
CALIFORNIA DEPARTMENT OF
TRANSPORTATION'S REPLY IN
SUPPORT OF MOTION TO DISMISS
[FRCP RULE 12(b)(1)]**

Hearing Date: June 2, 2008

Hearing Time: 10:00 A.M.

Judge: Hon. Thelton E. Henderson

20
21 I, LOIS H. YOSHIDA declare as follows:

22 1. I am an attorney duly admitted to practice before the United States District Court,
23 Northern District of California and before the courts of the State of California. I am employed as
24 an attorney by the California Department of Transportation, Legal Division, counsel of record for
25 Defendant STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S ("State") on
26 whose behalf I make this declaration. If called as a witness, I would and could competently testify
27 to the following facts, all of which are within my personal knowledge, except as to those matters
28 based upon information and belief, and on that basis allege them to true and accurate.

2. This declaration is made in support of the State's Reply in support of its Motion to Dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

3. On March 27, 2008, I called Ms. Rose Zoia, counsel for Plaintiff. She confirmed her availability for the 10:00 a.m., Monday, June 2, 2008 hearing on the State's Rule 12(b)(1) motion to dismiss. During our conversation, I asked whether Ms. Zoia preferred hand-delivery of the administrative record at the time of the March 31, 2008 Case Management Conference or whether she preferred to have the administrative record sent to her offices via overnight delivery. Ms. Zoia stated that the administrative record could be sent out on Monday, March 31 and requested delivery by regular mail rather than by overnight delivery. On March 31, 2008 I sent a letter to Ms. Zoia confirming her availability for the 10:00 a.m., June 2, 2008 hearing on the State's motion to dismiss. Pursuant to Ms. Zoia's request, I sent my letter, which enclosed a copy of the administrative record and index, by regular mail. A true and correct copy of my March 31, 2008 letter is attached to this Declaration as Exhibit "A."

4. Without waiver of the State's right to bring its motion, Deputy Attorney Janet Wong and I attended the March 31, 2008 Case Management Conference, during which the Court allowed Ms. Wong to personally serve a copy of the State's motion to Ms. Zoia and to Assistant U.S. Attorney, Charles M. O'Connor, counsel for the federal defendants. At that time, Ms. Wong also handed to the Court a courtesy copy of the notice, memoranda of points and authorities, declaration and proposed form of order. I subsequently electronically filed the State's notice, memorandum of points and authorities in support of its motion to dismiss, as well as the declaration of Janet Wong in support thereof, and the proposed form of order.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 16th day of May 2008, at San Francisco, California


LOIS H. YOSHIDA

EXHIBIT A

STATE OF CALIFORNIA- BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

LEGAL DIVISION

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*Flex your power!
Be energy efficient!*

March 31, 2008

Via Facsimile and U.S. Mail
(707) 526-5895

Ms. Rose Zoia
Law Offices of Rose M. Zoia
50 Old Courthouse Square, Suite 401
Santa Rosa, CA 95404

In re: *Rohnert Park Citizens to Enforce CEQA v. STATE OF CALIFORNIA*
United States District Court for the North District of California,
Case No. USCD C07 4607 TEH

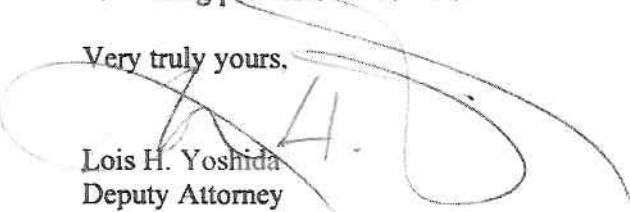
Dear Ms. Zoia:

Thank you for confirming your availability for the 10:00 a.m., June 2, 2008 hearing on the State's motion to dismiss.

As requested, I am sending the Administrative Record with an Index to your offices via regular mail today. I also appreciate your willingness to pay for Plaintiff's copy of the Administrative Record at the State's actual copy costs. I have asked the vendor, ALC, to prepare a separate invoice reflecting Plaintiff's share and will call you upon receipt of same.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your continuing professional courtesies.

Very truly yours,


Lois H. Yoshida
Deputy Attorney

Enclosures (Two bankers boxes of documents via Regular Mail only)

cc: (via Facsimile w/out Encls.)
Charles O'Connor
Assistant U.S. Attorney

Case Name: *Rohnert Park Citizens, et al. v. Department of Transportation, et al.*,
 Case No.: Northern District Court No. C 07 4607 TEH

PROOF OF SERVICE

I, the undersigned, say: I am, and was at all times herein mentioned, employed in the City and County of San Francisco, over the age of 18 years and not a party to the within action or proceedings; that my business address is 595 Market Street, Suite 1700, P.O. Box 7444, San Francisco, California 94120-7444; that on the date set forth below, I served the within

DECLARATION OF LOIS H. YOSHIDA IN SUPPORT OF DEFENDANT STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S REPLY IN SUPPORT OF MOTION TO DISMISS [FRCP RULE 12(b)(1)]

on all parties in said action by:

- (MAIL) by placing a true copy thereof enclosed in a sealed envelope for each person(s) named below, addressed as set forth immediately below the respective name(s), with postage thereon fully prepaid as first-class mail. I deposited the same in a mailing facility regularly maintained by the United States Post Office for the mailing of letter(s) at my above-stated place of business.
- (PERSONAL SERVICE) by placing a true copy thereof enclosed in a sealed envelope, for each person(s) named below, and caused such envelope to be delivered by hand to the address(es) as set forth immediately below the respective name(s) pursuant to this Proof of Service.
- (FACSIMILE TRANSMITTAL) by faxing a true copy thereof as indicating by the address(es), and facsimile telephone number(s) for each person(s) named below as set forth immediately below the respective name(s) pursuant to this Proof of Service.
- X (OVERNIGHT DELIVERY) By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to the office of the State of California, Department of Transportation, to be delivered by Express Mail, to the address(es) shown below.

Rose M. Zoia
 50 Old Courthouse Square, Suite 600
 Santa Rosa, CA 95404
 Telephone # (707) 526-5894

Charles M. O'Connor
 Assistant United States Attorney
 450 Golden Gate Avenue, 9th Floor
 San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2008, at San Francisco, California.


 FRANCIA AQUINO, Declarant